



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MF

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/902,005 07/29/97 BUTLER

L MS1-117US

022801 WM01/1219
LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE WA 99201

EXAMINER

TRAN, H

ART UNIT

PAPER NUMBER

2611

DATE MAILED:

12/19/00

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

SM

Office Action Summary

Application No.

08/902,005

Applicant(s)

BUTLER ET AL.

Examiner

Hai Tran

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-50 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-6, 11-15 and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Throckmorton et al. (US 5818441) in view of Kaplan (US 6058430).

Regarding claim 1, Throckmorton discloses a method comprising the following steps:

Transmitting a video stream (Fig.1 and Col.4, lines 15-20).

Formatting a supplemental data files (associated data) in a graphical markup language (Col.3, lines 55-67).

Transmitting the supplemental data files (associated data) along with the video stream (Col.4, lines 1-20).

Throckmorton does not specifically disclose each supplemental data file having instructions for rendering a hyperlink overlay on the video stream.

Kaplan discloses wherein an Internet address associated with the programming being transmitted is encoded and transmitted in the VBI (Col.2, lines 1-17). The processor of the receiver decodes the Internet address associated with the programming code and instructs the graphic display controller to overlay the URL Internet address on the video image projected to the picture tube (Col.5. lines 1-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Throckmorton by including instructions for rendering a hyperlink overlay on the video stream, as taught by Kaplan, in order to generate the on-screen video graphics and overlying the on-screen graphics over the video image projected to the television (Col. 5, lines 1-6).

Regarding claim 2, Throckmorton further discloses wherein the formatting step comprises formatting the supplemental data files in the HTML (Fig.2, element 16, Col.3, lines 55-67 and Col.9, lines 1-5).

Regarding claim 3, Throckmorton further comprising a step of transmitting timing specifications with the supplemental data files indicating times for displaying the hyperlink overlays (Col.4, lines 55-60).

Regarding claim 4, Throckmorton further discloses a computer readable storage medium (Col.7, lines 30-35) having computer executable instructions for performing steps as recited in claim 1 (Col.3, lines 55-67 and Col.4, lines 65 – Col.5, lines 18).

Regarding claim 5, in combination with claim 1, Kaplan further discloses

Receiving the video stream and accompanying supplemental data files (Col.2, lines 1-5);

Displaying the hyperlink overlays in conjunction with the video stream (Col.5, lines 1-9).

Regarding claim 6, Kaplan further discloses wherein the displaying step comprises launching an HTML compatible browser to display the hyperlink overlays (Col.5, lines 31-37).

Regarding claim 11, Kaplan further discloses wherein the formatting step comprises including hyperlinks in the hyperlink overlays (Col.5, lines 1-6), the method further comprising an additional step of displaying content targeted by such hyperlinks in response to selecting such hyperlinks (Col.5, lines 39-60).

Regarding claim 12, Kaplan further discloses wherein the formatting step comprises including hyperlinks in the hyperlink overlays, the method further comprising an additional step of replacing any currently displayed hyperlink overlay with content targeted by such hyperlinks in response to selecting such hyperlink (Col.5, lines 60-Col.6, lines 21).

Regarding claim 13, Kaplan further discloses wherein the formatting step comprises including hyperlinks in the hyperlink overlays, the method further comprising an additional step of opening new viewing windows for displaying content targeted by such hyperlinks (Col.5, lines 60-67).

Regarding claim 14, Kaplan further discloses wherein the formatting step comprises including hyperlinks in the hyperlink overlays, the method further comprising an additional step of launching application programs (Browser) as required to render content targeted by such hyperlink (Col.5, lines 14-38).

Regarding claim 15, see analysis of claim 4.

Regarding apparatus claim 40, see analysis of method claims 1 and 5.

Regarding apparatus claim 41, see analysis of method claim 2.

Regarding apparatus claim 42, see analysis of method claim 3.

Regarding apparatus claim 43, see analysis of method claim 6.

1-6, 11-15 and 40-43

2. Claims 7-10, 16-39 and 44-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Throckmorton et al. (US 5818441) in view of Kaplan (US 6058430), and further in view of King (US 5621428).

Regarding claim 7, Kaplan discloses an HTML compatible browser to display the hyperlink overlays (Col.5, lines 31-37) in conjunction with the video stream (Col.5, lines 1-9).

Throckmorton and Kaplan do not specifically disclose the formatting step comprises setting transparent areas of each hyperlink overlay to a key color and displaying the video stream only in the areas of the hyperlink overlays that are set to a key color.

King shows the formatting step comprises setting transparent areas (window) to a key color (King; Col. 6, lines 55-65) to display the video stream only in the areas of position (window) that are set to a key color (King; Col.6, lines 65-Col.7, lines 10). Therefore, it would have been obvious to one in the ordinary skill in the art to use the color key method of King to modify Throckmorton and Kaplan by setting transparent areas/areas of displayed hyperlink pages/areas of the hyperlink overlays to a key

color, as taught by King, in order to overcome the misalignment between the video data and the intended video overlay window on a display screen as stated by King (Col. 4, lines 1-3).

Regarding claim 8, see analysis of claim 6 in combination with claim 7.

Regarding claim 9, in combination with claims 6 and 7, King further discloses displaying step comprise using color keying video hardware that displays video only in display areas that are set to a key color (Fig.4, Col.9, lines 19-55).

Regarding claim 10, see analysis of claim 6 in combination with claim 9.

Regarding claim 16, see analysis of claim 1 in combination with claims 5 and 7.

Regarding claim 17, see analysis of claim 3.

Regarding claim 18 and 25 see analysis of claim 6.

Regarding claim 19, see analysis of claims 7 and 8.

Regarding claims 20 and 28 see analysis of claim 11.

Regarding claims 21 and 29 see analysis of claim 12.

Regarding claims 22 and 30 see analysis of claim 13.

Regarding claims 23 and 31 see analysis of claim 14.

Regarding claim 24, see analysis of claim 1 in combination with claims 4, 5, 7 and 8.

Regarding claim 26, see analysis of claim 9.

Regarding claim 27 see analysis of claim 10.

Regarding claims 22 and 30 see analysis of claim 13.

Regarding claims 23 and 31 see analysis of claim 14.

Regarding apparatus claim 32, see method claim 24.

Regarding apparatus claims 33 and 46 see method claim 6.

Regarding apparatus claim 34, see method claim 9.

Regarding apparatus claim 35, see method claim 8.

Regarding apparatus claims 36 and 47 see method claim 11.

Regarding apparatus claims 37 and 48 see method claim 12.

Regarding apparatus claims 38 and 49 see method claim 13.

Regarding apparatus claims 39 and 50 see method claim 14.

Regarding apparatus claim 44, see method claim 9.

Regarding apparatus claim 45, see analysis of method claims 3, 5, 7, 9 and Kaplan further discloses display hardware for displaying video stream and bit-mapped images to a user and data processor (Fig.1) and King further disclose display hardware including color keying hardware that displays video in display areas that are set to a key color (Fig.2, 3, 4).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ullman et al. (US 6018768) shows an enhanced video programming system and method for incorporating and displaying retrieved integrated Internet information segments.

Giannandrea et al. (US 5978817) shows a browser having automatic URL generation.

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or Faxed to:

(703) 308-9051, (for formal communication intended for entry)

or:

(703) 308-5399, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

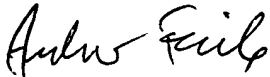
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5399.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

HT:ht
12/14/00


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600